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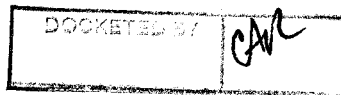
September 20, 2002

Colleen Ryan, Supervisor
 Docket Control
 Arizona Corporation Commission
 1200 W. Washington
 Division: Hearing
 Phoenix, AZ 85007

Arizona Corporation Commission

DOCKETED

SEP 23 2002



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Re: Bowie Power Station, L.L.C.
 Docket No: L-00000B-01-0118
 Case No. 118

Dear Ms. Ryan:

Enclosed for filing in the above-referenced docket are the original and twenty-five (25) copies of (i) a September 13, 2002 letter from the Cochise County Planning Department attesting to the Cochise County Planning and Zoning Commission's September 11, 2002, approval of Bowie Power Station, L.L.C.'s Application for Special Use Permit, subject to the conditions indicated therein; and (ii) a Special Use Conditions Acceptance Form, as executed by Tom C. Wray on September 18, 2002, on behalf of Bowie Power Station, L.L.C.

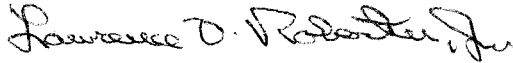
The Special Use Permit request is currently scheduled to be considered by the Cochise County Board of Supervisors on September 24, 2002, and we will advise you of the results of such consideration.

The enclosed materials are submitted as both an informational and a compliance filing.

Colleen Ryan, Supervisor
September 20, 2002
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Thank you for your assistance. Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lawrence V. Robertson, Jr.", written in dark ink.

Lawrence V. Robertson, Jr.
LVR:cl

cc: Commissioners, Mundell, Irvin and Spitzer
Laurie A. Woodall
Ernest Johnson
Chris Kempley
Tom Wray



COCHISE COUNTY PLANNING DEPARTMENT

1415 W. Melody Lane, Bisbee, Arizona 85603

(520) 432-9450

Fax 432-9429

James E. Vlahovich, Director

September 13, 2002

Bowie Power Station, LLC
Attention: Tom C. Wray
4350 East Camelback Road
Suite B-150
Phoenix, AZ 85018

RE: Docket SU-02-08, Tax Parcels (301-04-028, 032, 033A, 033C, 034)

Applicants: Bowie Power Station LLC

Dear Mr. Wray:

As you are aware, at their regular meeting on September 11, 2002 the Cochise County Planning and Zoning Commission voted (7-0, Guy abstaining) to approve your special use request, with modifications, for a 1000-megawatt power plant as detailed in the application and site plan submitted with the application. The approval was subject to the following conditions:

1. The applicant complies with all requirements of the Health Department.
2. The applicant complies with all requirements of the Highway and Floodplain Department to include but not limited to:
 - A. Prior to operation of the plant, dedicate right-of-way to the County along the eastern portion of the subject property that abuts Central Avenue at a width to be determined by the Highway and Floodplain Department as necessary for the improvements noted below;
 - B. Prior to operation of the plant, perfect right-of-way for the one-mile portion of Central Avenue that runs along the east section line of Section 33, Township 12 and Range 28 at a width to be determined by the Highway and Floodplain Department as necessary for the improvements noted below. The applicant will bear the cost of acquisition of land to perfect said right-of-way with administrative assistance from the County; and
 - C. Prior to operation of the plant, improve Central Avenue with a 28-foot wide, asphalt concrete surface (4" of asphalt over 6" of ABC or 3" of asphalt over 10 inches of ABC) from Business Interstate 10 to the north property boundary of the site of the power plant.
3. The applicant complies with all requirements of the State Fire Marshal.
4. During construction of the plant, the applicant repairs and restores to ADOT's standards any pavement damage to Business Interstate 10 due to associated heavy construction traffic.
5. Prior to permit issuance, the applicant submits a detailed site plan meeting the standards set forth in § 1705 of the Zoning Regulations for any structure or group of structures on the site.
6. Prior to construction, the applicant submits construction plans for the plant prepared and stamped by an Arizona Registrant.

7. Prior to permit issuance, the applicant completes Section 2 of the Hazardous Materials Information Sheet, provides MSDS sheets for materials that are to be stored or used on the site, and provides information as to the amount of ammonia that may be stored on the site.
8. Prior to permit issuance, the applicant addresses detention/retention requirements when they develop and clear the subject property.
9. It is the applicant's responsibility to obtain any additional permits, or meet additional conditions, if any, that may be applicable to the proposed activity pursuant to other federal, state, or local laws or regulations.
10. Any changes to the approved special use shall be subject to review by the Planning Department and may require a modification and approval by the Planning and Zoning Commission.
11. Approval of this Special Use Permit is contingent upon approval of the proposed rezoning to HI by the Board of Supervisors on September 24, 2002 (Z-02-13).
12. The applicants notify NOAA of the proposed project.

Modifications approved by the Commission.

1. 100-foot modification limiting the height of all structures on the site to 150 feet.
2. A waiver of § 1403.07 permitting noise to be discernable on neighboring residential sites with the condition that the levels of noise conform to the guidelines established by HUD and the EPA.

Per Section 1716.03E of the Cochise County Zoning Regulations, the conditions of the Special Use Permit must be formally accepted by the applicant within thirty (30) days of the Commission's decision or the permit will be void. Please sign and return the enclosed Acceptance of Conditions form as soon as possible. Permits cannot be issued without a signed Acceptance of Conditions form.

After the permit is issued, there must be substantial progress in construction, alteration, improvement or use within 12 months of the date of issuance of your permit. The Planning Department may request that the Commission revoke the permit if there is not substantial progress towards completing the project in a timely fashion.

If you or anyone disagrees with the Commission's action, Section 1716.04 of the Zoning Regulations allows for an appeal to the Board of Supervisors. This appeal must be filed within fifteen (15) calendar days of the Commission's action.

Sincerely,



Daniel Coxworth, Planner

Attachments: Special Use Conditions Acceptance Form

Xc: Les Thompson, District 3, Supervisor
Commercial Permit Coordinator
Docket File
Parcel File



COCHISE COUNTY PLANNING DEPARTMENT

1415 W. Melody Lane, Bisbee, Arizona 85603

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James E. Vlahovich, Director

Acceptance of Conditions Of Special Use Permit Approval Docket SU-02-08

I, _____, hereby acknowledge that I accept the conditions imposed by the Board of Supervisors on September 11, 2002 for my request for a Special Use Permit for the Bowie Power Station,

Tom Culley
Applicant's Signature

9-18-02
Date